



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: CCB - 206797

PRELIMINARY RECITALS

Pursuant to a petition filed November 8, 2022, under Wis. Admin. Code, §HA 3.03(4), to review a decision by the Jefferson County Workforce Development Center to discontinue child care services, a hearing was held on January 4, 2023, by telephone.

The issue for determination is whether the agency correctly determined petitioner's household to be over the child care income limit.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Children and Families
201 West Washington Avenue
Madison, WI 53703

By: Lisa Degrandt
Jefferson County Workforce Development Center
874 Collins Rd
Jefferson, WI 53549

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Jefferson County.
2. Petitioner has been receiving child care assistance for her two children, ages 5 and 1. At a renewal conducted in October, 2022, she reported that the younger child's father was living in the home. After obtaining income information (the father's income was not verified so the agency

used petitioner's self-report of his income), the agency determined that the household was over the child care limit, with monthly income of \$8,324.80.

3. By a notice dated November 2, 2022, the agency informed petitioner that child care assistance would end December 1, 2022 because household income was over the limit. Benefits were continued pending this appeal.

DISCUSSION

A parent is eligible for child care services if she needs the care to attend Wisconsin Works (W-2) approved school, to work, or to participate in W-2 activities. Wis. Stat., §49.155(1m)(a); Wisconsin Shares Handbook, §1.1. The agency must utilize gross income, and for an ongoing case, the income limit for a family is 85% of the State Median Income. Wis. Stat., §49.155(1m)(c); Shares Handbook, §§6.1 and 6.1.2. That amount for a four-person household is \$7,061. DECE Operations Memo no. 22-02, dated January 31, 2022. Weekly income is multiplied by 4.3 to determine monthly income (because there are slightly more than four weeks in a month). Shares Handbook, §6.4.

A household for child care, called an "assistance group," consists of any parent and dependent child residing in the same household. Wis. Admin. Code §DCF 201.02(17); Shares Handbook, §4.1. Therefore, although the father of petitioner's younger child is not legally responsible for the older child, under state rules he must be included in the household for both children's subsidy eligibility.

The Division of Hearings and Appeals does not have authority to make an exception to the Department's policies unless an exception is allowed, or unless a policy conflicts with state law. No exceptions are made to the household or income counting rules described above, and they are not in conflict with the statute or administrative code. I must conclude that the agency correctly determined that petitioner's household income is over the child care assistance limit.

CONCLUSIONS OF LAW

The agency correctly determined the membership of petitioner's household, and that household income is over the child care assistance limit.

THEREFORE, it is

ORDERED

That the petition for review is hereby dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 4822 Madison Yards Way, 5th Floor North, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

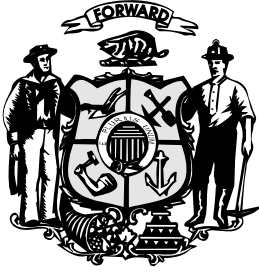
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Children and Families, 201 West Washington Avenue, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 6th day of January, 2023



\s _____
Brian C. Schneider
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on January 6, 2023.

Jefferson Cty Workforce Developmt Ctr
Child Care Benefits